

lawyer is highly problematical; its value to the teacher of Procedure and Evidence only less so.

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Cases on Damages. By Joseph Henry Beale. Third Edition. Boston, Little, Brown & Co., 1928. pp. xviii, 749. \$6.

Cases on Damages. By Judson A. Crane. St. Paul, West Publishing Co., 1928. pp. xiii, 508. \$5.

Those who know Professor Beale's second edition will not find this edition a stranger. The method of arrangement has not been changed. The chapter headings read precisely the same. Only four of the old cases have been dropped. The others have been retained, and to them have been added over thirty new cases, two-thirds of them being decided since 1923. These additions have enlarged the book by 125 pages. The new cases are quite evenly distributed, only a few chapters receiving none. The footnotes are as few in number as those in the second edition. Those which do appear are skeletonized and contain no references to law review articles, texts or any non-legal material. The cases which have been added have beyond question increased the utility of the book for class room purposes. A dozen recent cases of great significance are not among the new ones. But of course choices have to be made. Limitations also have to be set. Yet it seems as if the problems of foreign exchange are sufficiently significant to have been included. In spite of these omissions and deficiencies it is beyond doubt that this collection of cases effectively presents in doctrinal fashion the so-called fundamentals of the law of damages. Those who have found the previous edition usable will find even greater utility in this one. Professor Beale's unerring instinct for good cases is still apparent.

Professor Crane's volume is designed to take the place of Mechem and Gilbert. Over eighty principal cases of the former volume are retained in this volume. Quite a few of the cases in the text of the former volume have been reduced to the footnotes. The cases added are for the most part quite recent. The method of arrangement has been somewhat changed, though in most instances only in respect to sequence. The chapter headings for the most part are retained. The noted exceptions are the omission of *damnum absque injuria*, loan, indemnity and insurance contracts, and service contracts. Procedural Application of Law of Damages has been substituted for the first, and in lieu of the latter appears a special section entitled Torts Affecting Domestic Relations. One hundred odd pages less are contained in this volume. No sacrifice in quality has resulted thereby.

The footnotes have been enlarged and brought down to date. Texts, articles and notes are cited frequently. Recent cases have been added. Though recent cases have been chosen freely, many important ones have been omitted and some problems have been barely skimmed. But that again is largely a matter of emphasis. The recent cases included have been chosen with the view of revealing the diversities in modern commercial practice and in present social conditions. The preface states that the "editor has endeavored to show the law of damages as it is functioning in the present." He has been partly successful. It is doubted if it can ever be effectively done so long as one is chained to the "value" abstraction. The footnotes give an added improvement to the volume. The suggestive material included in them makes the new volume more usable. All in all this volume adequately presents in the classical manner the ordinary principles of the law of damages.

For those who are still interested in teaching damages in that manner it will be difficult to choose between these two case books.

WILLIAM O. DOUGLAS.

Selected Cases and other Authorities on Industrial Law. By E. F. Alberts-worth. Chicago, Northwestern University Press, 1928. pp. xxx, 782. \$7.50

To say that, in the opinion of the reviewer, Professor Alberts-worth has not succeeded in the large purpose which he apparently set for himself in compiling the present volume, is not to deny the genuine usefulness of his book. The learned editor has seen fit to begin his volume with an introduction and a prologue, to which a number of scholars of international reputation have contributed, in addition to his own preface. One is led by the statements in these preliminary pages to believe that the book itself, thus early in the day of the functional approach to the study of law, gathers together and arranges the diverse materials which deal with the interaction of industrial phenomena, legislation, and court decisions, in such a way as to reveal the structure of the legal control of modern industry. It is that promise which is not borne out.

Successful accomplishment of the editor's aim would require the distinguishing of at least three factors which influence legal control: namely, the nature of the industrial system and of its component parts and functions, the character of legal and non-legal agencies of control, and the ends which control does or pretends to serve. The difficulty of combining these factors into a consistent scheme, to say nothing of deciding under what head to put cases that involve all three factors, is readily apparent. Professor Alberts-worth's volume does not disclose a consistent scheme of arrangement; but there may be considerations which justify his product; and there certainly are difficulties which explain it.

The book begins by dealing with the employment relation, but an element of disproportion is introduced at the outset by the devotion of the first third of the entire volume to the law of injuries to employees. These are dealt with at common law, under the various acts of Congress, and under workmen's compensation statutes. A briefer treatment of the subject would indicate equally well the extent to which the worker's position is determined by contract and by status respectively, and would suggest, too, what determines the element of status. But the editor introduces cases relating to evidence, conflicts of jurisdiction, and the like, which do not seem really to belong in the book. Next comes the law of trade (*i.e.*, labor) disputes, which is well handled to bring out the influence upon court decisions of economic conditions, methods employed by the parties to disputes, and judicial ideas as to the aims and purposes of strikers or employers. Then follows a section devoted to The Relation Between Producer and Producer. Under this title the law of unfair competition and the law of combinations are treated. By "producers" the editor seems to mean producing concerns. Unfair competition, however, relates rather to marketing.

The last main division of the book deals with Relations Between Industry and the State. Attention here seems to be centered upon the fact that formal legislation shapes the law upon the subjects treated. Perhaps for that reason, wage, hour, and similar labor legislation are treated, although with distinguishing subtitles, along with some of the laws relating to labor organizations and to strikes. Then follows a consideration of the regulation, by trade associations and by legislation, of service and prices. But prices paid to farmers are treated along with prices exacted from consumers. In a final chapter resale price control and allied matters are taken up.